

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONNIE LEE HICKS, II,

Plaintiff,

v.

JOHNSON, et al.,

Defendant.

CASE NO. 2:22-cv-00421-RSM-BAT

**ORDER DENYING MOTION TO
APPOINT COUNSEL**

Plaintiff filed a *pro se* complaint seeking 42 U.S.C. § 1983 relief in April 2022. He now moves the Court to appoint counsel. Dkt. 15. Plaintiff contends he works full time and has multiple doctor's appointments and the Court should appoint counsel because of his schedule, the trauma he experienced due to the acts alleged in his complaint, and so the case will be prosecuted properly.

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Under 28 U.S.C. § 1915(e)(1), the Court can seek to locate counsel to represent a *pro se* party but only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). A finding of exceptional circumstances focuses on the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Id.* at 1331.

1 Plaintiff lives in the community and work full time. He has shown that can articulate his
2 claims, which are not complex. He alleges police officers used excessive force in arresting him.
3 The allegation is thus factually and legally straightforward. At this point, the record is extremely
4 limited. The Court has insufficient information to conclude Plaintiff is likely to succeed on the
5 merits of his claim. The Court accordingly concludes Plaintiff has not shown his case involves
6 exceptional circumstances which warrant granting his motion. The Court therefore ORDERS:

7 (1) Plaintiff's motion for appointment of counsel (Dkt. 15) is DENIED without
8 prejudice.

9 (2) The Clerk shall provide copies of this Order to Plaintiff, to counsel for
10 Defendants, and to the Honorable Ricardo S. Martinez.

11 DATED this 11th day of August, 2022.

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14 BRIAN A. TSUCHIDA
United States Magistrate Judge
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